

## Department of Defense

## 233.215-70

contract performance is imposed on a DoD contract; and

(2) Advise the contracting officer whether the inability to perform may adversely affect national security.

(b) The contracting officer shall promptly notify the Director, Defense Procurement and Acquisition Policy (DPAP), when the contractor's inability to perform will adversely affect national security or will result in significant additional costs to the Government. Follow the procedures at PGI 232.7101(b) for reviewing the contractor's rationale and submitting the required notification.

(c) The Director, DPAP, will promptly review the contractor's rationale and will notify the IRS, the contracting officer, and/or the payment office in accordance with the procedures at PGI 232.7101(c). The contracting officer shall then notify the contractor in accordance with paragraph (c) of the clause at 252.232-7010.

### 232.7102 Contract clause.

Use the clause at 252.232-7010, Levies on Contract Payments, in all solicitations and contracts.

## PART 233—PROTESTS, DISPUTES, AND APPEALS

### Subpart 233.2—Disputes and Appeals

Sec.

233.204 Policy.

233.204-70 Limitations on payment.

233.210 Contracting officer's authority.

233.215 Contract clause.

233.215-70 Additional contract clause.

AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36416, July 31, 1991, unless otherwise noted.

### Subpart 233.2—Disputes and Appeals

#### 233.204 Policy.

When it would be helpful in reviewing the current claim, the contracting offi-

cer should get information on claims previously filed by the contractor with other contracting officers.

#### 233.204-70 Limitations on payment.

See 10 U.S.C. 2410(b) for limitations on Congressionally directed payment of a claim under the Contract Disputes Act of 1978, a request for equitable adjustment to contract terms, or a request for relief under Pub. L. 85-804.

[63 FR 11537, Mar. 9, 1998]

#### 233.210 Contracting officer's authority.

DFARS 243.105(a) limits contracting officer authority.

#### 233.215 Contract clause.

Use Alternate I of the clause at FAR 52.233-1, Disputes, when—

(1) The acquisition is for—

(i) Aircraft

(ii) Spacecraft and launch vehicles

(iii) Naval vessels

(iv) Missile systems

(v) Tracked combat vehicles

(vi) Related electronic systems;

(2) The contracting officer determines that continued performance is—

(i) Vital to the national security, or

(ii) Vital to the public health and welfare; or

(3) The head of the contracting activity determines that continued performance is necessary pending resolution of any claim that might arise under or be related to the contract.

[56 FR 36416, July 31, 1991. Redesignated at 62 FR 34126, June 24, 1997]

#### 233.215-70 Additional contract clause.

Use the clause at 252.233-7001, Choice of Law (Overseas), in solicitations and contracts when contract performance will be outside the United States and its outlying areas, unless otherwise provided for in a government-to-government agreement.

[70 FR 35545, June 21, 2005]